

WILLOWTREE PLANNING



ACN: 146 035 707 ABN: 54 146 035 707
Suite 1, Level 10, 56 Berry Street
North Sydney, NSW 2060

enquiries@willowtp.com.au
willowtreeplanning.com.au
02 992 9 6974

7 March 2023

REF: WTJ22-634

NSW Department of Planning and Environment
State Significant Acceleration Team
Locked Bag 5022
Parramatta NSW 2124

**RE: REQUEST FOR INDUSTRY-SPECIFIC SEARS
PROPOSED SCHOOL EXPANSION – MALEK FAHD ISLAMIC SCHOOL
PROPERTY AT 20 MUNGERIE ROAD, BEAUMONT HILLS (LOT 110, DP1010374)**

We write on behalf of Malek Fahd Islamic School (the Proponent) to the NSW Department of Planning and Environment (DPE) in support of a request for industry-specific Secretary's Environmental Assessment Requirements (SEARs), under the Rapid Assessment Framework (RAF). The intent of the letter is to demonstrate that the proposal is eligible for industry-specific SEARs.

The proposal involves the expansion to the existing Malek Fahd Islamic School – Beaumont Hills Campus located at 20 Mungerie Road, Beaumont Hills, being legally described as Lot 110 DP1010374 (the Site).

The Site is located within the Hills Shire Council Local Government Area (LGA) and is zoned R2 Low Density Residential, pursuant to the *Hills Local Environmental Plan 2019* (HLEP2019). The current and ongoing use of the Site is for an Educational Establishment (School). Educational Establishments are permissible with consent in the R2 Low Density Residential zone under the *Hills Local Environmental Plan* (THLEP2019), and *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

The proposed development seeks consent for the expansion of the existing Malek Fahd Islamic School (Beaumont Hills Campus), with a total Capital Investment Value (CIV) of \$121,932,920.00.

The proposed development satisfies the definition of State Significant Development (SSD) pursuant to:

- Schedule 1, Clause 15 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being development for the purpose of the erection of a building, or alterations or additions to an existing building, at an existing school that has a capital investment value of more than \$50 million.

This letter provides an overview of the proposed development and the relevant planning framework that applies to enable the issuance of industry-specific SEARs, which will then guide the preparation of a formal Environmental Impact Statement (EIS) for development of the Site.

ACN: 146 035 707 ABN: 54 146 035 707
Suite 1, Level 10, 56 Berry Street
North Sydney, NSW 2060

enquiries@willowtp.com.au
willowtreeplanning.com.au
02 9929 6974



SYDNEY | NEWCASTLE | GOLD COAST | BRISBANE

REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

The proposal is considered to meet the criteria for industry-specific SEARs, based on the following:

- It does not constitute Designated Development
- It is wholly permissible pursuant to the Transport and Infrastructure SEPP
- It does not involve a concept development application (DA)

The following sections provide an overview of proposal to inform the NSW DPE's decision making for the issuance of industry-specific SEARs.

1.0 SITE DESCRIPTION

The Site is identified as 20 Mungerie Road, Beaumont Hills, being legally described as Lot 110 DP 1010374 (the Site). The Site is also known as Malek Fahd Islamic School – Beaumont Hills Campus.

The Site comprises approximately 4.068ha with primary frontage to Mungerie Road to the west. To the north, east and south, the Site adjoins single and double storey residential dwellings of recent construction. To the west, heavily vegetated, undeveloped land is located on the opposite side of Mungerie Road.

The existing built form on the Site consists of multiple 1- 2 storey school buildings, outdoor play areas and pedestrian pathways and areas of hard stand. An at-grade car park is situated in the south-western corner of the Site adjacent to the primary street frontage. Vehicle and pedestrian access to the school is facilitated via Mungerie Road. Trees and shrubs are scattered throughout the school grounds.

The Site is zoned R2 Low Density Residential pursuant to *The Hills Local Environmental Plan 2019* (THLEP2019).

The existing Site and surrounding context is shown in **Figure 1 - Figure 3** below.

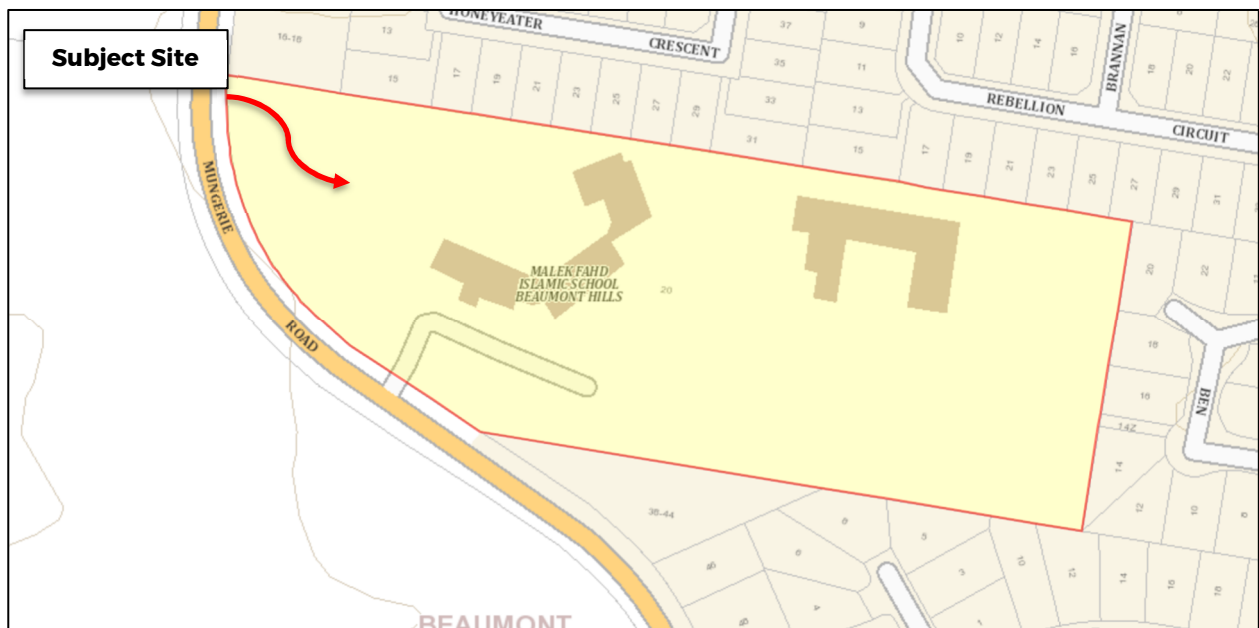


Figure 1. Cadastral Map (Six Maps, 2021)



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD



Figure 2. Aerial Map (NearMap, 2023)

REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

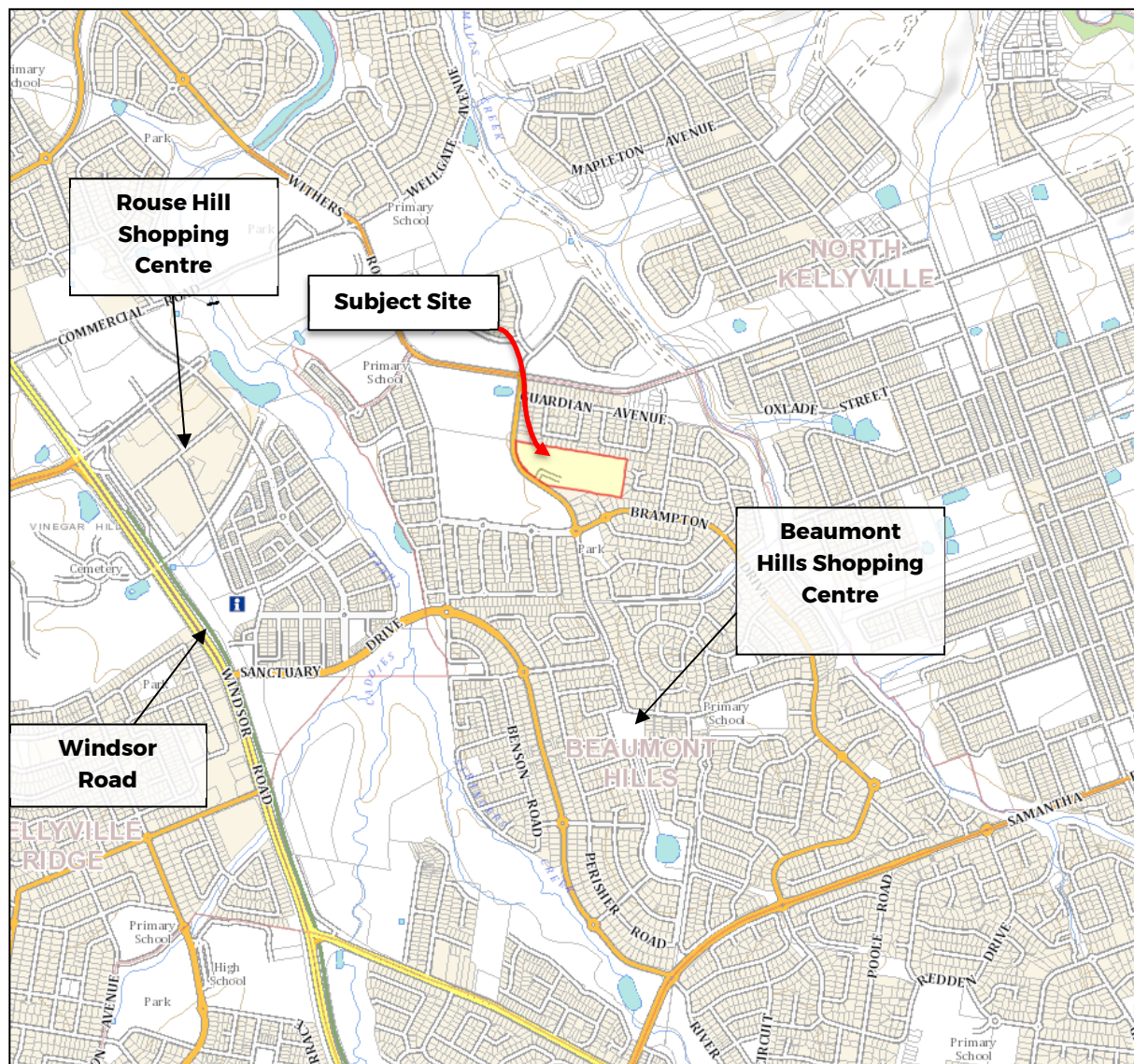


Figure 3. Site Context Map (Google Maps, 2023)

PROPONENT DETAILS

The Proponent for this proposal is Malek Fahd Islamic School (MFIS), refer to **TABLE 1**.

TABLE 1: PROPONENT CONTACT DETAILS	
Company Details	Malek Fahd Islamic School
Contact Name	Aiyaz Ali
Position	Business Manager
Contact Number	0405 809 000
Email Address	aiyaz@mfis.nsw.edu.au

2.0 CAPITAL INVESTMENT VALUE

The CIV of the proposed development in accordance with the CIV definition under the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation), is estimated based on the scope of works outlined below.

REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

A letter has been prepared by Hanna Newman Associates Pty Limited, and included in **Appendix 2**, which details that the CIV will exceed \$50 million (\$121,932,920.00).

3.0 PROJECT DETAILS

The proposal will seek development consent for the expansion of the existing school (educational establishment), being the Malek Fahd Islamic School.

The preliminary proposal plans, prepared by Gran Associates area included within **Appendix 1**.

The particulars of this proposal are summarised below:

- Site preparation works, including tree clearing (no. of trees to be confirmed)
- Construction of new classrooms, staff rooms, assembly area, multi-purpose hall, library, cafeteria, prayer room, community hall, sports courts, play areas and courtyards
- Construction of new service access road from Mungerie Road along northern boundary with new entry/exit
- Construction of new internal access road, carparking area and reconfiguration of existing carparking areas
- Associated landscaping

The proposed development has been designed to respond to the surrounding character of the area, the forecasted population growth and demand, and the needs of students and staff members to improve the quality and offering of the Malek Fahd Islamic School.

Development Consent (891/2023/HC) for 'Increase in Student Capacity from 525 to 600 students and Increase in Staff from 41 to 60 and Additions to the Existing Carpark for Malek Fahd Islamic School' was approved under Delegated Authority by Council on 31st January 2023.

4.0 STATUTORY CONTEXT

All relevant statutory documentation will be considered as part of the future EIS. The following statutes, strategic plans and policies have been considered as part of the development planning phase. Further consideration will be given to all relevant and applicable legislation and strategic plans in the EIS.

Commonwealth Planning:

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Rural Fires Act 1997*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Local Planning:

- *The Hills Local Environmental Plan 2019*

4.1 Environment Protection and Biodiversity Conservation Act 1999



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval at a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

The requirements of the EPBC Act will be considered as part of the forthcoming EIS.

4.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the overarching governing statute for all development in NSW and pursuant to Part 4, the proposal is considered SSD under the Planning Systems SEPP.

4.2.1 Section 4.15(1) of the EP&A Act 1979

Section 4.15(1) of the EP&A Act specifies the matters, that a consent authority must consider when determining a DA. The forthcoming EIS will consider and address all matters outlined in Section 4.15 of the EP&A Act.

4.2.2 Section 4.46 of the EP&A Act 1979 – Integrated Development

Section 4.46 of the EP&A Act defines ‘Integrated Development’ as matters which require consent from the consent authority and one or more authorities under related legislation. It is noted the integrated provisions do not apply to SSD.

4.3 Environmental Planning and Assessment Regulation 2021

4.3.1 Section 7 – Designated Development

Section 7(1) of the EP&A Regulation states that:

“Development described in Schedule 3, Part 2 is declared to be designated development unless it is not designated development under Schedule 3, Part 3.”

The proposal, being a school expansion development, does not trigger Designated Development pursuant to Schedule 3 of the EP&A Regulation.

4.4 Rural Fires Act 1997

Part 4 Division 8 of the *Rural Fires Act 1997* (Rural Fires Act) relates to development of bushfire prone land and Section 100B identifies development for which a Bush Fire Safety Authority is required.

Bushfire Safety Authority is required for:

- a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or
- b) development of bush fire prone land for a **special fire protection purpose**.



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

Educational establishments are identified as a special fire protection purpose within Section 100b of the Rural Fires Act. The Site is mapped as vegetation buffer as shown in **Figure 4**.

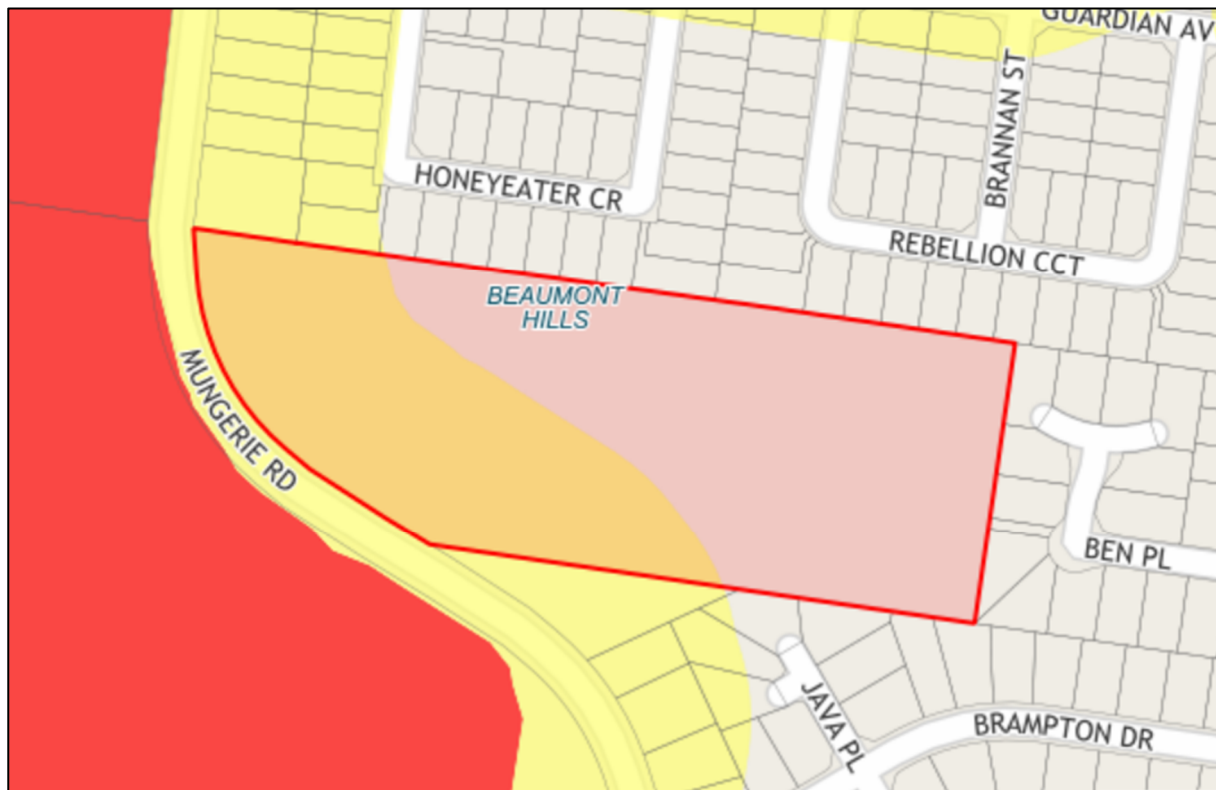


Figure 4 Bush Fire Prone Land Map (The Hills Shire Mapping 2021)

The proposal will be referred to Rural Fire Service (RFS). The forthcoming EIS will be supported by a robust Bushfire Risk Assessment.

4.5 State Environmental Planning Policy (Planning Systems) 2021

The proposed development satisfies the definition of State Significant Development (SSD) pursuant to:

- Schedule 1, Clause 15 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being development for the purpose of the erection of a building, or alterations or additions to an existing building, at an existing school that has a capital investment value of more than \$50 million.

As shown in the Cost Summary Letter prepared by Hanna Newman Associates Pty Limited in **Appendix 2**, the proposal has a CIV of greater than \$50million, thus the SSD provisions apply .

4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 3.4 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) relates specifically to Schools, and for the purposes of Part 4 the R2 zone is a Prescribed Zone.

Pursuant to Clause 3.36(3), development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing or approved school. The R2 zone is a prescribed zone as set out in Clause 3.34 of the Transport and Infrastructure SEPP.

REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

Pursuant to Clause 3.35(6), before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:

- a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*
- b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

The principal development standards for the proposal are contained within the Transport and Infrastructure SEPP and will be considered further as the design progresses.

4.6.1 Specified Development

Clause 3.12(3) of the Transport and Infrastructure SEPP stipulates where development is specified development, as follows:

(3) For the purposes of subsection (1), development for the purpose of an existing school is specified development, in relation to which Transport for NSW is the specified authority, if—

- (a) the site has access to a road and the development will result in the school being able to accommodate 50 or more additional students, or*
- (b) the site has access to—*
 - (i) a classified road, or*
 - (ii) a road (the connecting road) that connects, within 90 metres (measured along the alignment of the connecting road) of the access point, to a classified road, and the development will result in the provision of an additional 50 or more car parking spaces, or*
- (c) no road to which the site has access is classified and the development will result in the provision of an additional 200 or more car parking spaces, or*
- (d) the development will result in—*
 - (i) a new vehicular or pedestrian access point to the school from a public road, or*
 - (ii) a change in location of an existing vehicular or pedestrian access point to the school from a public road, or*
- (e) the development will involve excavation to a depth of 3 or more metres below ground level (existing) on land within or immediately adjacent to a classified road within the meaning of the Roads Act 1993.*

The proposal would result in the school being able to accommodate 50 or more students and will be referred to TfNSW for concurrence pursuant to Clause 3.12(3)a) of the Transport and Infrastructure SEPP.

The forthcoming EIS will be supported by a robust transport and traffic impact assessment.

4.7 The Hills Local Environmental Plan 2019

The THLEP2019 is the primary Environmental Planning Instrument that applies to the subject site.



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

The subject site is located within the R2 Low Density Residential zone under the THLEP2019 as shown in **Figure 5** below.

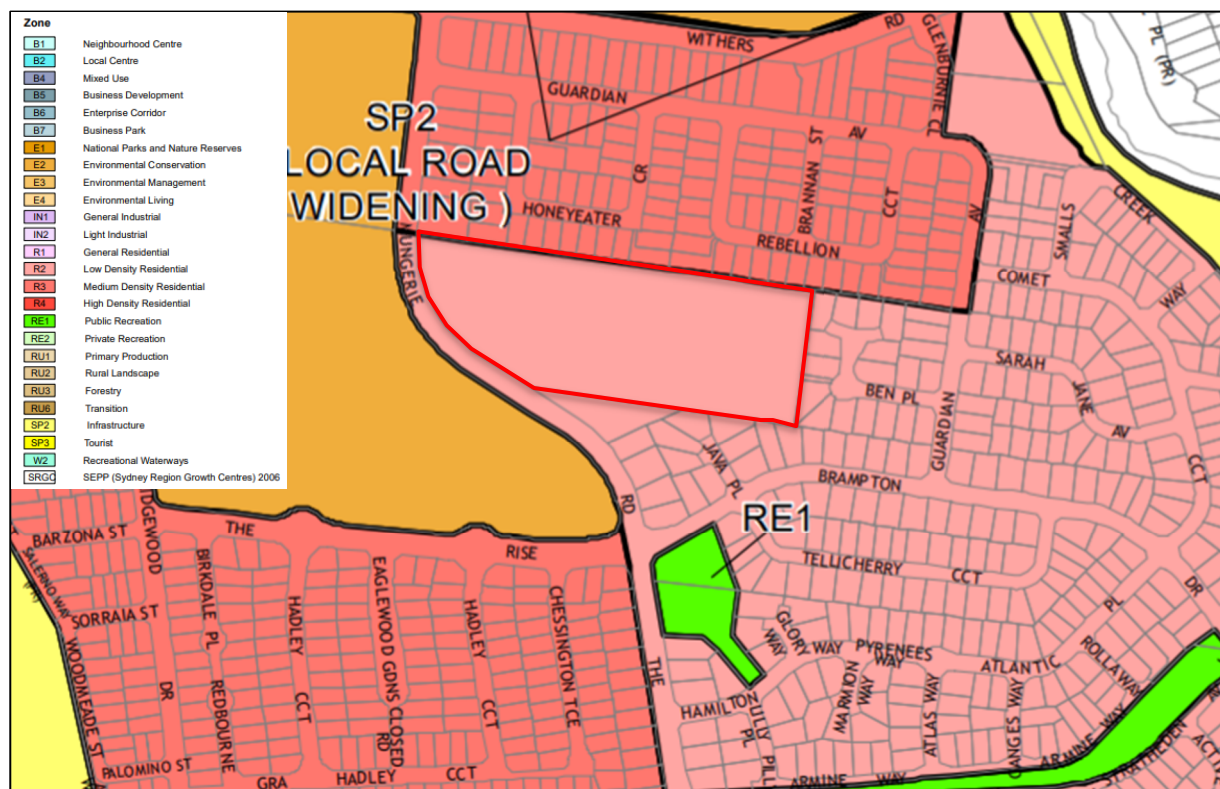


Figure 5. THLEP 2019 Zoning Map (NSW Legislation, 2021)

4.8 Land Use

Under the Standard Instrument Local Environmental Plan (LEP), the proposal would be considered an 'School', which is a type of 'Educational establishment', defined as follows:

TABLE 2. LAND USE DEFINITION FOR THE PROPOSAL		
Land use	Description	Sub definition
Educational Establishment	Educational establishment means a building or place used for education (including teaching), being - (a) A school, or A tertiary institution including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.	School means a government schools or non-government school within the meaning of the Education Act 1990.

4.9 Permissibility

Within the R2 Low Density Residential zone the following are permissible without consent:

- Home businesses; Home occupations

REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

Within the R2 Low Density Residential zone the following are permissible with consent:

- *Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Dual occupancies; Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Roads; Tank-based aquaculture; **Any other development not specified in item 2 or 4***

Within the R2 Low Density Residential zone the following are prohibited:

- *Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies*

Schools are therefore permitted with consent in the R2 zone pursuant to the THLEP2019.

5.0 INDUSTRY-SPECIFIC SEARS

This section reviews the relevant industry-specific SEARs and includes commentary on how the Applicant intends to respond to each item, where applicable. Refer to **TABLE 3** for further details.

TABLE 3: INDUSTRY-SPECIFIC SEARS		
Issue and Assessment Requirements	Documentation	Applicant Comments
1. Statutory Context	Address in EIS.	Noted – the proposal will address the requirement of this item.
2. Capital Investment Value and Employment	Quantity Surveyor Report	Noted – a Quantity Surveyor Report will support the proposal.
3. Design Quality	Address in EIS. If required: ▪ Design Excellence Strategy (where design excellence is required by an EPI). ▪ Competition Report (where a competitive	Design quality will be addressed in the EIS. The proposal will be reviewed by the SDRP prior to lodgement. A Design Review Report will support the proposal.



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

	design process has been held). Design Review Report (where the project has been reviewed by the SDRP).	
4. Built Form and Urban Design	Architectural drawings. Design Report. Survey Plan. BCA Compliance Report. Accessibility Report.	Noted – the proposal will address the requirements of this item through the listed reports.
5. Environmental Amenity	Shadow Diagrams. View Analysis. Pedestrian Wind Environment Assessment.	Noted – the proposal will address the requirements of this item through the listed reports.
6. Visual Impact	Visual Analysis. Visual Impact Assessment.	Noted – the proposal will be informed by photomontages and perspective drawings, where necessary, and include a Visual Impact Assessment.
7. Trees and Landscaping	Arboricultural Impact Assessment. Landscape Plan.	Noted – the proposal will address the requirements of this item through the listed reports.
8. Ecologically Sustainable Development (ESD)	ESD Report.	Noted – the proposal will provide an ESD report.
9. Traffic, Transport and Accessibility	Transport and Accessibility Impact Assessment. Construction Traffic Management Plan. Green Travel Plan or equivalent.	Noted – the proposal will address the requirements of this item through the listed reports.
10. Biodiversity	Biodiversity Development Assessment Report or BDAR Waiver.	Noted – the proponent intends to seek a BDAR Waiver.
11. Noise and Vibration	Noise and Vibration Impact Assessment.	Noted – the proposal will be supported by a Noise and Vibration Impact Assessment.
12. Ground and Water Conditions	Geotechnical Assessment. Surface and Groundwater Impact Assessment. Salinity Management Plan and/or Acid Sulfate Soils Management Plan.	Noted – the proposal will address the requirements of this item through the listed reports.
13. Water Management	Integrated Water Management Plan.	Noted – the proposal will be supported by an Integrated Water Management Plan.
14. Flooding Risk	Flood Risk Assessment.	Noted – the proposal will be supported by a Flood Risk Assessment.
15. Hazards and Risk	Preliminary Hazard Analysis. If required:	N/A – there are no dangerous goods or hazardous materials associated with the proposal.



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD

	Hazard Analysis (Pipeline)	
16. Contamination and Remediation	Preliminary Site Investigation. If required: - Detailed Site Investigation. - Remedial Action Plan. - Preliminary Long- term Environmental Management Plan.	Noted – the proposal will be supported by a Preliminary Site Investigation (as a minimum).
17. Waste Management	Waste Management Plan. Hazardous Material Survey.	Noted – the proposal will be supported by a Waste Management Plan and Hazardous Material Survey.
18. Aboriginal Cultural Heritage	Aboriginal Cultural Heritage Assessment Report.	Noted – the proposal will be supported by an Aboriginal Cultural Heritage Assessment Report.
19. Environmental Heritage	Statement of Heritage Impact. Archaeological Assessment.	Noted –the proposal will be supported by a Heritage Impact Statement and Archaeological Assessment.
20. Social Impact	Social Impact Assessment.	Noted – the proposal will be supported by a Social Impact Assessment.
21. Infrastructure Requirements and Utilities	Infrastructure Delivery, Management and Staging Plan.	Noted – the proposal will be supported by an Infrastructure Delivery, Management and Staging Plan.
22. Bush Fire Risk	Bush Fire Assessment.	Noted – the proposal will be supported by a Bush Fire Assessment.
23. Aviation	Aviation Report	N/A. The proposal does not propose a HLS.
24. Construction, Operation and Staging	Address in EIS.	Noted – the proposal will address the requirement of this item.
25. Contributions and Public Benefit	Address in EIS.	Noted – the proposal will address the requirement of this item.
26. Engagement	Engagement report.	Noted – the proposal will be supported by an Engagement Report, in accordance with the <i>Undertaking Engagement Guidelines for State Significant Projects</i> .

The proposal is considered to meet the eligibility criteria for industry-specific SEARs. As such, it is requested that NSW DPE issue formal SEARs for the preparation of an EIS for this proposal as SSD.

Should you require any further information to do so, please do not hesitate to contact the undersigned on 0477 983 043 or via email at rburns@willowtp.com.au.

Your sincerely,



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Malek Fahd Islamic School - 20 Mungerie Road, Beaumont Hills (Lot 101 DP1010374)
School Expansion SSD



Ruby Burns
Senior Planner
Willowtree Planning Pty Ltd

enc -

Appendix 1	Preliminary Architectural Plans
Appendix 2	Cost Letter

